

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-20323

HON. VICTORIA A. ROBERTS

v.

JAMES McDOUGLE,

Defendant.

ORDER

In light of the recent Sixth Circuit decisions in *United States v. Garth*, 965 F.3d 493 (6th Cir. Jul. 14, 2020) and *United States v. Thomas*, 2020 WL 4500004 (6th Cir. Aug. 5, 2020), the Court concludes that James McDougale's ("McDougale") prior state conviction under MCL § 333.7401 for Delivery/Manufacture of Marijuana qualifies as a "controlled substance offense" within the meaning of United States Sentencing Guideline ("USSG") §4B1.2(b). This conviction was in the Macomb County 16th Circuit Court, Docket No. 2010-2977-FH in 2010.

Accordingly, McDougale's advisory guideline range is 37-46 months, based on criminal history category III and total offense level of 19 (base offense level +20; Stolen Firearm +2; Acceptance -3). See USSG §2K1.1.

ORDERED.

Date: August 17, 2020

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge